

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TEXAS  
AUSTIN DIVISION

FILED

2009 JUL 30 AM 9:37

CLERK U.S. DISTRICT COURT  
WESTERN DISTRICT OF TEXAS

BY lcw  
DEPUTY

CHARLES EDWARD LINCOLN AND  
DANIEL LOUIS SIMON,

PLAINTIFFS,

V.

CAUSE NO. A-07-CA-842-LY

WILLIAMSON COUNTY, CITY OF  
GEORGETOWN, LUCAS C. WILSON,  
CITY OF LIBERTY HILL, JUDGE  
KATHLEEN RIEDEL, LIBERTY HILL  
MUNICIPAL COURT, ARTURO  
RAMIREZ, LIBERTY HILL  
PROSECUTOR, JANA DUTY,  
WILLIAMSON COUNTY ATTORNEY,  
COL. THOMAS A. DAVIS, JR.,  
DIRECTOR, TEXAS DEPARTMENT OF  
PUBLIC SAFETY, MARY E. PETERS,  
U.S. SECRETARY OF DEPARTMENT  
OF TRANSPORTATION, AND U.S.  
MARSHALL LAFAYETTE COLLINS,  
U.S. MARSHAL FOR THE WESTERN  
DISTRICT OF TEXAS,

DEFENDANTS.

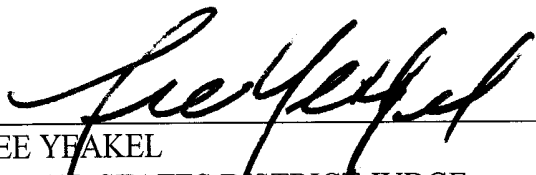
**ORDER DISMISSING CASE**

Before the Court is the above-entitled and numbered cause. Plaintiffs Charles Edward Lincoln and Daniel Louis Simon filed their Complaint for Declaratory Judgment & Injunctive Relief Against False Arrests on October 11, 2007 (Clerk's Document 1), but Lincoln's initial attempt to pay the filing fee resulted in his check's return to the Clerk's office marked "Not Sufficient Funds". The Court ordered Plaintiffs to pay the filing fee and returned-check fee or show cause in writing

why this cause should not be dismissed for failure to pay the filing fee (Clerk's Document 5). On December 4, 2007, Lincoln filed his Response to Order to Show Cause (Clerk's Document 6), stating that Plaintiffs intended this action to be filed as a counterclaim in cause number 1:07-CA-699-LY and that it should be consolidated with such cause. Despite such intent, Lincoln paid the required \$395.00 through a third party on November 30, 2007. The Court's review of the record in cause number 1:07-CA-699-LY indicates that the Court remanded the action to state court on October 19, 2007, and denied Lincoln's motion to consolidate the cases on December 27, 2007. Despite the denial, no action has been taken in this cause by either Plaintiff since Lincoln's December 4, 2007 response. In light of the inaction in this cause for over a year and a half, the Court will dismiss the cause for want of prosecution.

**IT IS THEREFORE** ordered that Plaintiffs Charles Edward Lincoln and Daniel Louis Simon's Complaint for Declaratory Judgment & Injunctive Relief Against False Arrests (Clerk's Document 1) is **DISMISSED** for want of prosecution.

SIGNED this 30th day of July, 2009.

  
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LEE YEAKEL  
UNITED STATES DISTRICT JUDGE